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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,846	12/09/2003	Shailesh B. Gandhi	BOC9-2003-0082 (450)	5224

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EXAMINER	
SINGH, RAMNANDAN P	
ART UNIT	PAPER NUMBER
2646	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,846	GANDHI ET AL.	
	Examiner	Art Unit	
	Ramnandan Singh	2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on Aug. 22, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-8, 11-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al [US 5,115,462] in view of Lazarus et al [US 20030206563 A1] and further in view of Cannon et al [US 6,453,017 B1].

Regarding claim 1. Kennedy et al teach a method for handling an off-hook event shown in Fig. 3, comprising the steps of:

detecting an off-hook event with a modem communicatively linked to a circuit loop in which the off-hook event occurs [Fig. 3; col. 5, lines 14-48]; and

initiating at least one programmatic action within a computing device (i.e. microcontroller 120) communicatively linked to the modem [Figs. 2-4; col. 4, lines 59-64].

Although Kennedy et al teach monitoring of the telephone pair for the presence of voice or data activity [col. 5, lines 4-13; col. 7, lines 8-20; col. 8, line 50 to col. 9, line

5], they do not teach expressly applying these monitoring results to detect an off-hook state of a telephone.

Lazarus et al teach an off-hook event detector and timer circuit (145) shown in Fig. 1, wherein the detection is based upon detecting at least one of voice activity and data activity within the circuit loop [Figs. 1, 4-5; Para: 0015-0016; 0022; 0025-0029].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Lazarus et al with Kennedy et al to provide an alternate off-hook detector in order to make the Kennedy system a robust off-hook detector.

Further, Kennedy et al do not teach expressly conveying an off-hook notification as a result of the programmatic action.

Cannon et al teach conveying an off-hook notification as a result of a programmatic action using one of alternative communication methods [Abstract; Figs. 1-6; col. 3, line 52 to col. 4, line 6]. It is nevertheless a teaching to one of ordinary skill in the art to apply the same to other applications.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Cannon et al with Kennedy et al to present

an off-hook notification signal to a user in order to prevent an undesirable extended off-hook condition of a telephone line by customer premises equipment [Cannon et al; col. 1, lines 7-11].

Claim 11 is essentially similar to claim 1 except a machine-readable computer program. Lazarus et al teach a machine-readable computer program code [Para; 0022; 0031].

Claim 21 is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding claim 2, Cannon et al further teach the method, wherein detecting step further comprises the step of: receiving an information tone, wherein the information tone is generated by a central telephony office to indicate that an off-hook event has occurred [col. 1, lines 26-44].

Claim 12 is essentially similar to claim 2 and is rejected for the reasons stated above.

Regarding claim 3, Lazarus et al further teach the method comprising the step of: determining whether a dial-tone is present (i.e. tone detector (135));
checking the circuit loop for audible information (i.e. voice activity detector (140); and

based on the checking step and upon a previously established time-out threshold (i.e. a predetermined time) , determining that the off-hook event has occurred [Figs. 1, 4-5; Para: 0015-0016; 0022; 0025-0029].

Claim 13 is essentially similar to claim 3 and is rejected for the reasons stated above.

Regarding claim 4, Cannon et al teach the method wherein the user designates a predetermined telephone number, stored for access by the telephone company central office (12), to be used in the event of an extended off-hook condition, for automatically outputting voice message (52) (i.e. previously recorded speech message stored within the computing device) [Fig. 5; col. 6, lines 27-43].

Claim 14 is essentially similar to claim 4 and is rejected for the reasons stated above.

Regarding claim 5, Cannon et al teach the method, where the off-hook notification includes a speech message, said method further comprising the steps of: identifying a text based notification; and text-to-speech converting said text-based notification to generate said speech message [col. 5, line 65 to col. 6, line 26; claims 9, 17].

Claim 15 is essentially similar to claim 5 and is rejected for the reasons stated above.

Regarding claim 6, Cannon et al teach the method conveying step further comprising the step of playing an audible message using at least one speaker connected to the computing device [Fig. 1; col. 3, lines 35-51; col. 4, lines 7-17; col. 4, lines 32-46].

Claim 16 is essentially similar to claim 6 and is rejected for the reasons stated above.

Regarding claim 7, Cannon et al teach the method, wherein the initiating step further comprises the step of establishing a network connection (i.e. internet connection) with another computing device (i.e. e-mail server 30)such that the conveying step includes sending an electronic message (i.e. e-mail) across the network connection [Fig. 1].

Claim 17 is essentially similar to claim 7 and is rejected for the reasons stated above.

Regarding claim 8, Cannon et al teach the method, wherein the network connection (i.e. internet connection) is not part of the circuit loop [See Fig. 1].

Claim 18 is essentially similar to claim 8 and is rejected for the reasons stated above.

4. Claims 9-10, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kennedy et al, Lazarus et al and Cannon et al as applied to claim 1 above, and further in view of Caharel et al [US 20030021393 A1].

Regarding claim 9, the combination of Kennedy et al, Lazarus et al and Cannon et al does not teach expressly establishing a wireless connection with another a mobile service.

Caharel et al teach establishing a wireless connection with another a mobile service (i.e. mobile radiotelephone) [Para: 0003; 0005; 0025; 0030-0032; 0035; 0051-0052].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use electronic messaging across the network connection of Caharel et al with Kennedy et al in order to communicate quickly with another user [Caharel et al; Para: 0008].

Claim 19 is essentially similar to claim 9 and is rejected for the reasons stated above.

Regarding claim 10, Caharel et al teach that the electronic message includes a speech message (i.e. voice mail services) [Para: 0032].

Claim 20 is essentially similar to claim 10 and is rejected for the reasons stated above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2646

SINH TRAN
SUPERVISORY PATENT EXAMINER